

REMARKS

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Sundar et al., US Publication 2003/0134636 A1 (hereinafter "Sundar reference"). Applicants submit that the Sundar reference does not qualify as prior art under 35 U. S. C. 102(e).

The Sundar reference and the present application were both filed on January 17, 2002 and claim priority to a provisional application entitled "Method for Voice Internetworking Between Local Area and Wide Area Mobile Wireless Networks," filed on January 2, 2002. (See the Cross Reference to Related Applications section in both the Sundar reference and the present application.)

35 U. S. C. 102(e) states in pertinent part: A person shall be entitled to a patent unless the invention was described in (1) an application for patent, published under section 122(b), by **another** filed in the United States **before** the invention by the applicant for patent . . . First, the present invention was not described in a published patent by another. The inventors in both the Sundar reference and the present application are the same. The inventors in both executed an assignment of their invention to Winphoria Networks, Inc. (a subsidiary of Motorola, Inc.). The assignment was recorded on 3/7/2003 Reel/Frame: 103471/0913. A copy of the Notice of Recordation is attached in Appendix I. Second, the present invention was not described in an application published under section 122(b) filed in the United States before the invention by the applicant. As stated above, the published Sundar reference was filed in the United States on January 17, 2002 (and claims priority to a provisional application filed January 2, 2002). The present application was filed in the United States on the same date, January 17, 2002 (and claims priority to the same provisional application filed January 2, 2002). Thus, the invention of Sundar reference was not filed before the invention by the Application.

In view of the foregoing remarks, Applicant submits that the Sundar reference is not a proper 35 U.S.C. 102(e) reference and thus does not anticipate claims 1-4 under 35 U.S.C. 102(e). Applicants request the reconsideration and reexamination of this application and the timely allowance of the pending claims. Please charge any fees associated herewith, including extension of time fees, to **50-2117**.

Respectfully submitted,
Sundar, Rangamani, et al.

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APPENDIX I



PTAS

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

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